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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,415	12/13/2005	German Jauregui	98884.000010	5464

7590
King & Spalding
Suite 4000
1100 Louisiana Street
Houston, TX 77002-5213

EXAMINER

GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/560,415	Applicant(s) JAUREGUI, GERMAN	
	Examiner ERNESTO GARCIA	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 4-7 and 11-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper". Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "7" and "8" have both been used to designate the same means or orifice.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the central piece incorporating an attachment means (claim 1, line 13) and the male or pin element having a combination of a cylindrical arrangement ending up in semi-conic (claim 10) must be shown or the features canceled from the claim. No new matter should be

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entered. Note that there's no indication that the central piece has an attachment means.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because the language should avoid using phrases, which can be implied, such as, "The disclosure concerns", "The disclosure defined by this invention", "The disclosure describes", "Disclosed is", "The present invention relates", etc. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

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on page 4, line 7, "location" should be --locations--. The description of reference character "10" is inconsistent. At times it is described as a second vertical support member 10 and at other times as a support 10. The description of reference character "15" is also inconsistent. At times it is described as a third closing support member and other times as a closing support cylindrical piece. Further, the disclosure mentions a third closure member but fails to describe a first and a second closure member and thus unclear what they are. Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "said piece incorporating an attachment means" recited in claim 1, line 13.

Claim Objections

Claims 4-7 and 11-21 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claims 1, 2, and 8-10 are objected to because of the following informalities:

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regarding claim 1, "elements" in line 2 should be --members--, --an-- should be inserted after "in" in line 16, "of" in line 16 should be --to--, "the" in line 19 should be --an--, and "type" in line 25 should be deleted;

regarding claim 2, "members" thrice in line 3 should be --member-- and the second occurrence of "off-centered" in line 3 should be --vertical support--;

regarding claims 8 and 9, "type" in line 2 should be deleted; and,

regarding claims 8 and 10, "semi conic" in line 3 should be --semi-conic--.

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the metes and bounds of the claim is unclear. In particular, it is unclear what the structural connection system is comprised of. The recitation "characterized for comprising", in lines 1-2 relative to the claim, is unclear. The recitation "susceptible of providing sufficient volume" in line 6-7, line 11, and lines 21-22

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makes unclear what is the volume. Is the volume a space or is this something that the component actually provides as in a volume of something? If so, to what is it provided? The recitation “a diametric channel housing which extends over the top surface” in line 8 is misdescriptive and/or inaccurate since the channel would be the top and thus the piece would not be considered a closing support member as the channel is on top. The recitation “a piece” in line 13 makes unclear whether this is another piece than the central piece recited in line 10 or the same piece. Further, aren’t the closing support member in line 3 and the vertical support member in line 5 one and the same?

The recitation “said piece” in line 23 makes unclear whether that is the closing support member piece, the central piece, or the vertical support member piece. The same applies to the bottom surface in the recitation “the piece’s bottom surface” in line 24. Further, the recitation “extends axially” lacks a point of reference. In other words, axially to what does the pin element extend to or from?

Regarding claim 3, the metes and bounds of the claim is unclear. In particular, how does claim 3 further limit the connection system when the connecting system comprises the closing support member and the vertical support member as these could be the at least two of the components listed.

Regarding claims 2 and 8-10, the claims depend from claim 1 and therefore are indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gunthel Jr., 2,861,762.

Regarding claim 1, as best understood, Gunthel Jr. discloses, in Figure 1, a structural connection system comprising at least two of the following elements: a closing support member **22**, an off-centered support member, and a vertical support member **16**. The closing support member **22** comprises a piece having any geometry having a top surface **A1**, a bottom surface **A2**, and a diametric channel housing **A3** which extends under the top surface **A1**. The piece incorporates an attachment means **26**. The vertical support member **16** comprises a piece having any geometry having a top surface **A4**, a bottom surface **A5**, and a diametric channel housing **A6** which extends under the top surface **A5**. The vertical support member **16** incorporates an attachment means **26**. The bottom surface **A5** of the vertical support member **16** comprises a male or pin element **12** extending axially.

Regarding claim 9, the male or pin element **12** has a grooved perimeter cylindrical arrangement.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Pitt, 4,881,354.

Regarding claim 1, as best understood, Pitt discloses, in Figure 11, a structural connection system comprising at least two of the following members: a closing support member **51**, an off-centered support member, and a vertical support member **50**. The closing support member **51** comprises a piece having any geometry having a top surface **A1**, a bottom surface **A2**, and a diametric channel housing **61**, **63** which extends under the top surface **A1**. The piece incorporates an attachment means **55**. The vertical support member **50** comprises a piece having any geometry having a top surface **A3**, a bottom surface **A4**, and a diametric channel housing **61**, **63** which extends under the top surface **A3**. The vertical support member **50** incorporates an attachment means **59**. The bottom surface **A4** of the vertical support member **50** comprises a male or pin element **57** extending axially.

Regarding claim 2, the closing support member **51** and the vertical support member **50** have a cylindrical shape.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofheimer, 2,715,537, and Howard, 4,793,578.

Regarding claim 1, as best understood, Hofheimer discloses, in Figures 1, 2, and 4, a structural connection system comprising at least two of the following elements: a closing support member **12**, an off-centered support member **11**, and a vertical support member. The closing support member **12** comprises a piece having any geometry having a top surface **69**, a bottom surface **18**, and a diametric channel housing **24** which extends under the top surface **69**. The piece incorporates an attachment means **39**. The off-centered support member **11** comprises a central piece having any geometry having a top surface **13**, a bottom surface **17**, and a diametric channel housing **23** which extends under the top surface **13**. The piece incorporates an attachment means **39**. The central piece has a right side section 92 and a left side section 91 that detach. The right side section 92 is adjacent the axial end of the left side section 91. However, Hofheimer fails to disclose: the right section being shorter longitudinally compared to the

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left side section; a first platen being extended and being adjacent the axial end of the right side, and a second section extending so that the axis of the first platen and the second platen are parallel to a central piece axis of the central piece; and, each of the platens incorporating an attachment means. Howard, teaches, in Figure 5a, a right section being shorter than a left side section to extend rods parallel to each other at different spaced locations. Howard further teaches a first platen 12' extending and being adjacent an axial end of a right side, a second section 12, and the platens having an attachment means (the center opening) to connect parallel tubes. Therefore, as taught by Howard, it would have been obvious to one of ordinary skill in the art at the time the invention was made to shorten the right section longitudinally compared to the left side section of Hofheimer and to provide a first platen and a second platen so that their axes are parallel to the center axis of the central piece of Hofheimer to place tube in parallel relation to each other and spaced away at different locations.

Regarding claim 3, given the modification, the first platen 12' and the second platen 12 would have been cylindrical in shape.

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunthel Jr., 2,861,762.

Regarding claims 8 and 10, Gunthel Jr., as discussed, discloses the male or pin element **12** having a grooved perimeter arrangement. However, Gunthel Jr. fails to

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disclose the arrangement being semi-conic or cylindrical ending up in semi-conic.

Applicant is reminded that changing the shape of the pin element to other shapes is an obvious modification and not patentable distinct since the disclosure does not state a reason for making the shape accordingly. The shape rather appears as part of an aesthetic appeal and therefore one skilled in the art would have made the shape semi-conic or in a combination of a cylinder ending up in a semi-conic shape as part of aesthetic appeal since there's no criticality in choosing such shape.

Regarding claim 3, a structural connection system for modular constructions according to any one of the above claims, characterized in that the first platen and the second platen have a cylindrical shape.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goodrigh et al., 5,651,519, show a similar structural connecting system. Ellery, D489,000, teaches a male or pin element having a cylindrical arrangement ending up in semi-conic. Slatter et al., 7,309,054, Malizia, 6,030,142, and Van Vliet, 4,355,918, show a similar structural connecting system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-

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7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/E. G./

Examiner, Art Unit 3679

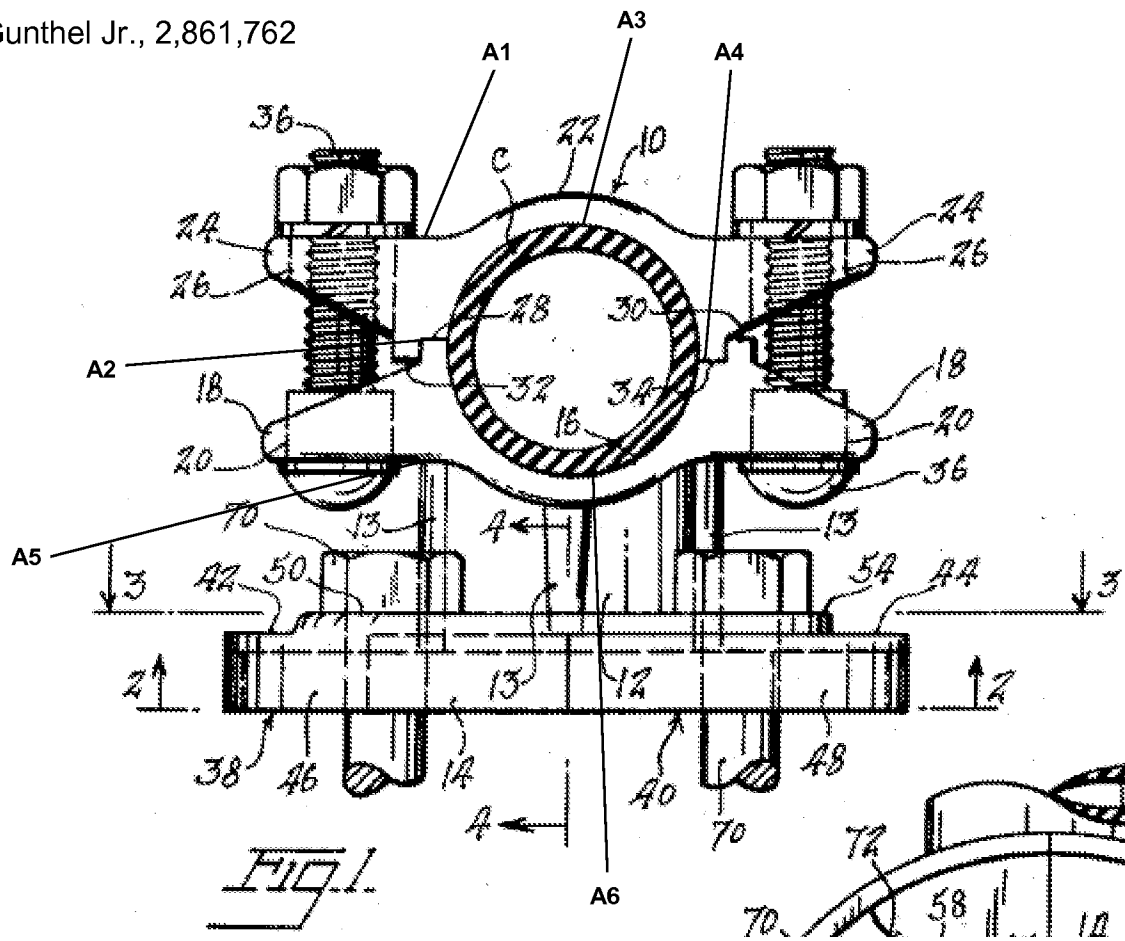
November 6, 2008

Attachment: one marked-up page of Gunthel Jr., 2,861,762
one marked-up page of Pitt, 4,881,354

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679

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Gunthel Jr., 2,861,762



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Pitt, 4,881,354

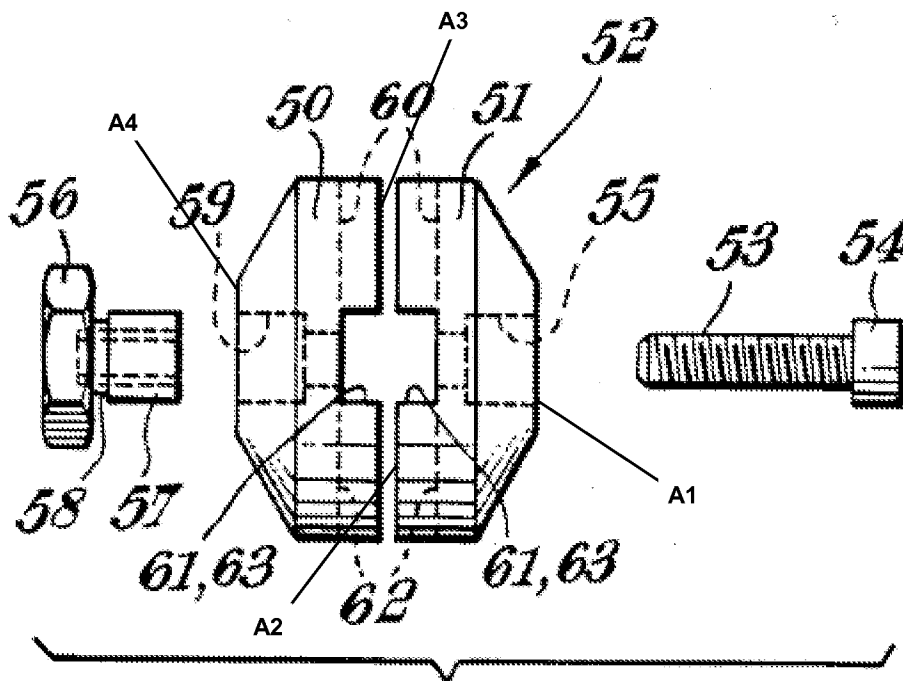


Fig. 11